

STATE OF CALIFORNIA  
REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL COAST REGION

SUPPLEMENTAL SHEET FOR REGULAR MEETING OF MAY 11, 2006

Prepared May 5, 2006

ITEM: 6

SUBJECT: Reissuance of Clean Water Act Section 301(h)-Modified NPDES Permit, Order No. R3-2006-0019, and Approval of Settlement Agreement, Morro Bay/Cayucos Wastewater Treatment Plant (WWTP), San Luis Obispo County

This item was continued from the March 24, 2006, meeting primarily to allow the City of Morro Bay/Cayucos Sanitary District (hereafter Discharger) to meet and consider the ramifications of shortening its WWTP upgrade schedule. The Discharger held a joint public meeting on April 27, 2006, and approved the attached upgrade schedule (**Attachment 1**). The upgrade schedule is 15 months shorter than previously proposed. The Discharger will now achieve full compliance with secondary treatment standards by March 31, 2014, as opposed to June 23, 2015 with the previous schedule.

Staff again recommends you concur with reissuance of the Permit (with a revision to Finding S to reflect the new upgrade schedule), to effectuate the settlement agreement.

At its April 27, 2006, meeting, the Discharger also considered a proposal to provide a grant of up to \$80,000 to UC Davis for research to improve sea otter pathogen monitoring. A description of the research funding program is included as **Attachment 2** for your information. Cayucos Sanitary District approved the research funding program. The City of Morro Bay will consider the funding program at its public meeting on May 8, 2006.

Staff supports the research funding program, but believes the program should not be an enforceable condition of the proposed Permit or Monitoring and Reporting Program. The research funding program should be a side-agreement between the Discharger and UC Davis.

The Chair has made evidentiary rulings on three documents that the Natural Resources Defense Council submitted after the original comment due date. These rulings are as follows:

1. Letter dated April 21, 2006, regarding Re-issuance of the 301(h) Waiver, Draft NPDES/WDR, and Proposed Settlement Agreement for the Morro Bay-Cayucos Sewage Treatment Plant (**Attachment 3**). This letter argues that the upgrade timeline should be shorter based on comparison to other facilities. It was submitted after the deadline for evidentiary submissions but within the time for policy comments of up to two pages. This letter will be accepted as a non-evidentiary policy statement that the Discharger should upgrade faster because other facilities have done so. (Staff also addressed this issue in the March 17, 2006 Supplemental Sheet.)
2. Miller, W. et al, *Salmonella spp.*, *Vibrio spp.*, *Clostridium perfringens*, and *Plesiomonas shigelloides* in marine and freshwater invertebrates from coastal California ecosystems (2006). In its original comments on the draft Permit (see page 36 of Fact Sheet), the Discharger stated: "[The Fact Sheet] does not fully discuss the implications of mussel-testing results, which unequivocally, demonstrate that the MBCSD discharge cannot be

- the source of *Toxoplasma gondii* infection in sea otters. The Fact Sheet also fails to point out that the mussel analyses determined that the MBCSD discharge does not contain other bacterial pathogens such as *Camphylobacter*, *Clostridium perfringens*, *Pleisomonas shigelloides*, *Salmonella*, and *Vibrio* spp. (cholerae, parahaemolyticus, etc.).” Although the Miller article therefore responds to an issue raised in the Discharger’s original comments on the draft permit rather than “new facts and information” in the Discharger’s March 3, 2006 submittal, the Chair has accepted this report into the record because (i) NRDC did not previously have an opportunity to submit written responses to the Discharger’s comments, and (ii) the article itself is a new study (February 23, 2006) and could not have been submitted prior to the February 3, 2006 comment deadline. A copy of this article was included in the March 17, 2006 Supplemental Sheet.
3. Kator, H., *Concerns and risk factors associated with discharges of secondary treated sewage into very shallow coastal waters* (May 16, 2003). The Chair will not accept this report because it does not respond to “new facts and information.”
- a. First, NRDC states: “the Plant newly claims that in 2005 it had no documented exceptions to fecal coliform limits, and as such cannot pose any potential human health risks.” This is not a new claim. In Section III.E of its July 2003 Supplement to the 2003 Renewal Application for Ocean Discharge Under NPDES Permit No. CA0047881, the Discharger provides extensive discussion of surfzone fecal coliform monitoring data to demonstrate that the subject discharge does not pose any potential human health risks. Even if the absence

of fecal coliform exceedances in 2005 is discounted, the same conclusions would apply, based on the absence of fecal coliform exceedances in previous years.

- b. Second, NRDC states: “Second, the Plant newly claims its effluent cannot “conceivably” be considered to contribute to degradation of water quality because its effluent is thoroughly disinfected.” This is not a new claim. Also in Section III.E of its renewal application supplement, the Discharger states, “There is no evidence that the MBCSD discharge has or will result in adverse impacts on recreational activities in the vicinity. Wastewater is disinfected prior to discharge and total coliform densities are reduced to negligible levels, especially after the wastewater is diluted at least 133-fold within the 15-m [zone of initial dilution].”
- c. Third, NRDC states: “Third, the Plant newly claims that it has conducted “detailed plume delineation studies” on 28 separate occasions.” This also is not a new claim. In Section III.A of its renewal application supplement and all offshore monitoring reports prior to and since July 2003, the Discharger provides extensive discussion of its receiving water surveys and results. These survey results are discussed extensively by staff in the Fact Sheet of the proposed Permit.

## ATTACHMENTS

1. City of Morro Bay/Cayucos Sanitary District 8-year Conversion Schedule;
2. Research Funding Regarding and Subsequent Monitoring of *Toxoplasma Gondii* Oocysts.
3. Letter dated April 21, 2006 regarding Re-issuance of the 301(h) Waiver, Draft

NPDES/WDR, and Proposed Settlement  
Agreement for the Morro Bay-Cayucos Sewage  
Treatment Plant.

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